

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE LANTUS DIRECT PURCHASER
ANTITRUST LITIGATION

Civil Action No. 16-12652-LTS-JGD

Class Action

[PROPOSED] AMENDED SCHEDULING ORDER

After consideration of the parties' March 14, 2022 Joint Submission Regarding Case Schedule, the Court adopts the following amendment to the Scheduling Order in this case (Dkt. No. 282):

1. If the Court grants defendants' motion for leave to take nonparty depositions of Merck and Mylan (Dkt. No. 359), then those two depositions may be taken on or before April 4, 2022, or as soon as reasonably possible thereafter if the nonparties become unavailable.
2. If the Court grants plaintiffs' motion to compel defendants to produce 2021 transaction data (Dkt. No. 353), then defendants will produce the 2021 transactional data six weeks after the date of the Court's order requiring such production.
3. The new deadline for plaintiffs to move for class certification and serve supporting expert reports will be the latest of (i) four weeks after the deadline for defendants to produce 2021 transaction data (if so ordered); (ii) four weeks after the Court rules on the parties' pending SJ motions (SEE and ownership or control exception); or (iii) four weeks after the Merck and Mylan depositions (if allowed by the Court).
4. The new deadlines for all class certification events in the current schedule that follow the current May 6, 2022, deadline for plaintiffs to move for class certification and serve supporting class certification expert reports shall be advanced to follow the new deadline for plaintiffs' class certification motion (as set forth in ¶ 3 above), while maintaining the same intervals between those events as in the current schedule.
5. The new deadline for the party with the burden of proof to serve merits expert reports shall be the latest of (i) one week after the new deadline for plaintiffs to move for class

certification and serve supporting expert reports; or (ii) four weeks after the Schwarzhaupt, Geppert, and Sieber depositions.

6. The new deadlines for all other events in the current schedule shall be advanced to follow the new deadline for opening merits expert reports (as set forth in ¶ 5 above), while maintaining the same intervals between those events as in the current schedule.

Other than the above, the parties agree that fact discovery is closed and no further fact discovery may be taken without leave of Court. Plaintiffs reserve all rights to seek to reopen depositions based on documents produced by defendants after the March 4, 2022 close of fact discovery, and defendants reserve all rights to oppose such a request.

SO ORDERED.

Dated: _____

Honorable Judith G. Dein
United States Magistrate Judge